
(2013) 04 AHC CK 0231
In the Allahabad High Court
Case No : F.A.F.O. No's. 824 and 825 of 2013

Smt. Urmila Devi and Others

APPELLANT

Vs

Vishnu Kumar Gupta and Others

RESPONDENT

Date of Decision : 02-04-2013

Acts Referred:

Citation : (2013) 3 AWC 3252

Hon'ble Judges : Rakesh Tiwari, J;Anil Kumar Sharma, J

Bench : Division Bench

Advocate : Amit Kumar Sinha, for the Appellant;

Final Decision : Dismissed

Judgement

Anil Kumar Sharma, J.—Connect with F.A.F.O. No. 825 of 2013, which also arises out of the same accident. Heard Sri Amit Kumar Sinha, learned counsel for the appellants in both the appeals and perused the impugned award as also the papers filed alongwith the memo of appeal.

2. The appellants in both the appeals have challenged inadequacy of the award dated 13.12.2012 passed by the Motor Accident Claims Tribunal/Additional District Judge, Court No. 6, Kaushambi (in M.A.C.P. No. 58 of 2010) and award dated 13.12.2012 (in M.A.C.P. No. 59 of 2010), whereby compensation of Rs. 4,98,000 and Rs. 2,95,000 have been awarded to the appellants here-in-above.

3. Since we are concerned with the quantum of compensation, therefore, we are not considering other issues raised before the Tribunal in respective claim petitions.

4. The appellants in F.A.F.O. No. 824 of 2013, alleged that the deceased was doing tuition, agriculture and animal husbandry and from these vocations his monthly income was Rs. 50,000. He was aged about 26 years. The widow of the deceased Smt. Urmila Devi, P.W. 1 has stated that her husband passed B.A. and was to appear in M.A. examination. He was taking tuition at home and was also

doing parental agricultural work. She has further stated that he was also selling milk and from these his monthly income was Rs. 5,67,000. However, the claimants could not adduce any documentary evidence with regard to income of the deceased. In these circumstances, the Tribunal has taken monthly income of the deceased at Rs. 3,000 for quantifying the amount of compensation. Since the deceased has left his widow, three minor daughters and parents so following the law laid down by the Apex Court in the case of Smt. Sarla Verma and Others Vs. Delhi Transport Corporation and Another, , the Tribunal had deducted 1/4th from the income of the deceased calculating annual dependency of the claimants at Rs. 27,000 and applying the multiplier of "18" on the age of the deceased has calculated the compensation of Rs. 4,86,000. Further, a sum of Rs. 12,000 have been awarded to the claimants under other heads. Since the claimants could not file any documentary evidence with regard to medical treatment of the deceased after the accident so no amount has been awarded to them on this count. Thus, the Tribunal has awarded a sum of Rs. 4,98,000 together with simple interest at the rate of 6% per annum to the claimant-appellants from the date of the institution of the claim petition till actual payment. In the facts and circumstances of the case, we find that the Tribunal has awarded just and reasonable compensation to the appellants.

5. As regards F.A.F.O. No. 825 of 2013, the contention of the claimants was that the lady-deceased was a student of B.A. Ist year and her future income was about Rs. 10,000 per month. However, the Tribunal after appreciating the evidence on record has taken her notional monthly income at Rs. 3,000. Unmarried deceased was aged about 18 years only, therefore, the Tribunal following the law laid down by the Apex Court in the case of Amrit Bhanu Shali and Others Vs. National Insurance Co. Ltd. and Others, , has deducted 50% from annual income of the deceased for personal and living expenses. Thus, we find that the Tribunal has not at all erred in awarding compensation of Rs. 2,95,000 to the parents of the deceased, who has suffered death in the instant motor accident. In view of the above discussions, we do not find any factual or legal error in the impugned award. Both the appeals sans merit and are accordingly, dismissed.